

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE MATTER OF THE COMPLAINT  
OF ROBERT E. KELLEY, SUCCESSOR  
CO-TRUSTEES AND BENEFICIARIES  
OF THE EUGENE N. KELLEY AND  
VERNA L. KELLEY REVOCABLE  
LIVING TRUST, AS OWNERS AND/OR  
OPERATORS OF THE VESSEL F/V MISS  
HAILEE, OFFICIAL NUMBER 524780,  
FROM EXONERATION FROM AND/OR  
LIMITATION OF LIABILITY.

Case No. [20-cv-01384-HSG](#)

**ORDER GRANTING EX PARTE  
MOTION AND DIRECTING NOTICE  
AND PUBLICATION TO INTERESTED  
PARTIES, AND ENJOINING  
PROSECUTION OF CLAIMS**

Re: Dkt. No. 4

WHEREAS, pursuant to the Limitation of Liability Act, 46 U.S.C. §§ 30501 *et seq.* and Rules F(1) and F(2) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, Robert E. Kelley and Richard E. Kelley, Successor Co-Trustees and Beneficiaries of the Eugene M. Kelley and Verna L. Kelley Revocable Living Trust (“Limitation Plaintiffs”), by and through their attorneys, Holmes Weddle & Barcott, have instituted a proceeding in this Court for limitation of and/or exoneration from liability as owners and/or operators of the vessel MISS HAILEE, official number 524780, (hereinafter the “Vessel”), with respect to an incident occurring on November 9, 2019, in which the Vessel sank; and

WHEREAS, Limitation Plaintiffs state that the Vessel sank; and

WHEREAS, Limitation Plaintiffs posted security for costs in the sum of \$1,000.00, in accordance with the Admiralty and Maritime Local Rule 5-1, with interest thereon at the rate of six percent (6%) per annum from the date of the posting of security;

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

1. Limitation Plaintiffs assert that the Vessel sank;
2. Limitation Plaintiffs have complied with Supplemental Admiralty Rule F(1) and

the Admiralty and Maritime Local Rule 5-1, by depositing security for costs in the amount of one thousand dollars (\$1,000.00), plus interest at the rate of six percent (6%) from the date of security. Limitation Plaintiffs at this time do not need to deposit additional security for value with the Court. This ruling is **WITHOUT PREJUDICE** to the due appraisal of Limitation Plaintiffs' interest in the Vessel and pending freight, and any claimant's demand that the deposit or security be increased in accordance with Supplemental Admiralty Rule F(7);

3. Under Supplemental Admiralty Rule F(3), the prosecution of any and all suits, actions or proceedings of any nature or description whatsoever against Limitation Plaintiffs, their agents, servants or employees or against the Vessel, except in the present proceeding, in respect of any claim arising out of, occasioned by, consequent upon or otherwise connected with the aforesaid incident, or arising during the voyage upon which the Vessel was then engaged, are **HEREBY STAYED AND RESTRAINED** until such time as the Court determines whether to dissolve the injunction. Limitation Plaintiffs are **ORDERED** to serve a copy of this Order on the persons and other legal entities to be restrained, or their attorneys;

4. In accordance with Supplemental Admiralty Rule F(4), Limitation Plaintiffs shall publish a copy of the following notice in the Fort Bragg Advocate – News for four consecutive weeks starting the week of May 18, 2020, in substantially the form set forth below:

Notice to Interested Parties: Robert E. Kelley and Richard E. Kelley, Successor Co-Trustees and Beneficiaries of Eugene M. Kelley and Verna L. Kelley Revocable Living Trust, owners and/or operators of the MISS HAILEE, official number 524780 (hereinafter "the Vessel"), an approximately 54.1 foot vessel of 48 gross tons, filed a Complaint pursuant to the Limitation of Liability Act, 46 U.S.C. §§ 30510 *et seq.*, claiming the right to exoneration from and/or limitation of liability for all claims against it for injury, death, or other damage resulting from an incident occurring on November 9, 2019, in which the Vessel sank while being operated upon the navigable waters about 16 miles west of the Russian River, California.

Any person or legal entity who has or may have such a claim must, on or before July 3, 2020, file it with the Clerk of Court, U.S. Federal District Court, Northern District of California, Oakland Division, under the title "In re F/V MISS HAILEE" and Case No. 20-cv-1384. Any such claim must comply with the requirements of Rule F of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure. A copy must also be served on or mailed to the plaintiff's attorney, Michael A. Barcott, HOLMES WEDDLE


& BARCOTT, 999 Third Ave., Suite 2600, Seattle, WA 98104.

Any claimant who desires to contest Robert E. Kelley's and Richard E. Kelley's, Successor Co-Trustees and Beneficiaries of Eugene M. Kelley and Verna L. Kelley Revocable Living Trust, right to exoneration from and/or limitation of liability shall file and serve an answer to the Complaint in the above-referenced matter on or before July 17, 2020, unless such answer is included in the claim. This notice is published pursuant to the order of said Court, the Honorable Haywood. S. Gilliam, Jr., dated May 12, 2020, and Rule F(4) of the Supplemental Rules for Admiralty or Maritime Claims.

5. Limitation Plaintiffs shall, not later than the day of the second publication required in paragraph (4) above, mail copies of the Complaint and this Order to: (1) the last known address of those persons who are reported to have been injured as set forth in the Complaint, and to any attorneys known to represent them; and (2) to such other persons and other legal entities as are known to have any claim against the Limitation Plaintiffs or the Vessel and to any attorney known to represent them.

**IT IS SO ORDERED.**

Dated: 5/12/2020

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge